



DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025

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In re Application of
Allen et al.
Application No. 09/900,751
Filed: July 6, 2001
Attorney Docket No. R-386

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 2003, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed February 11, 2003. The non-final Office Action set a three (3) month shortened statutory period for reply. A reply was submitted on July 11, 2003 with a request for a two month extension of time. However, due to insufficient funds in the deposit account the two month extension of time could not be obtained pursuant to 37 CFR 1.136(a). Accordingly, this application became abandoned on May 12, 2003. A Notice of Abandonment was mailed on September 23, 2003.

This petition is hereby **GRANTED**.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

A two (2) month extension of time was requested on with the instant petition. Petitioner was inadvertently charged twice for a 2 month extension of time. However, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month statutory period expired on August 11, 2003. Petitioner is ineligible for any extensions of time. Accordingly, deposit account number 50-1271 will be credited with \$420.00 for fees paid to acquire an extension of time.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Kelly L. Quast
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